

By: Guillen

H.B. No. 27

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the payment of fines and costs by indigent defendants in  
3 misdemeanor cases.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Article 42.15, Code of Criminal  
6 Procedure, is amended to read as follows:

7 Art. 42.15. FINES AND COSTS.

8 SECTION 2. Article 42.15, Code of Criminal Procedure, is  
9 amended by amending Subsection (b) and adding Subsection (c) to  
10 read as follows:

11 (b) Subject to Subsection (c), when ~~When~~ imposing a fine  
12 and costs, a court may direct a defendant:

13 (1) to pay the entire fine and costs when sentence is  
14 pronounced; ~~or~~

15 (2) to pay the entire fine and costs at some later  
16 date; or

17 (3) to pay a specified portion of the fine and costs at  
18 designated intervals.

19 (c) When imposing a fine and costs in a misdemeanor case, if  
20 the court determines that the defendant is indigent, the court  
21 shall allow the defendant to pay the fine and costs in specified  
22 portions at designated intervals.

23 SECTION 3. Article 45.041, Code of Criminal Procedure, is  
24 amended by amending Subsection (b) and adding Subsection (b-2) to

1 read as follows:

2 (b) Subject to Subsection (b-2), the [~~The~~] justice or judge  
3 may direct the defendant:

4 (1) to pay:

5 (A) the entire fine and costs when sentence is  
6 pronounced;

7 (B) the entire fine and costs at some later date;  
8 or

9 (C) a specified portion of the fine and costs at  
10 designated intervals;

11 (2) if applicable, to make restitution to any victim  
12 of the offense; and

13 (3) to satisfy any other sanction authorized by law.

14 (b-2) When imposing a fine and costs, if the justice or  
15 judge determines that the defendant is indigent, the justice or  
16 judge shall allow the defendant to pay the fine and costs in  
17 specified portions at designated intervals.

18 SECTION 4. The change in law made by this Act applies only  
19 to an offense committed on or after the effective date of this Act.  
20 An offense committed before the effective date of this Act is  
21 governed by the law in effect at the time the offense was committed,  
22 and the former law is continued in effect for that purpose. For  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense occurred  
25 before that date.

26 SECTION 5. This Act takes effect September 1, 2011.